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band to the plaintiff in bar of recovery. *Darbrinsky v. Pennsylvania Co.*, 94 Atl. 269 (Pa.).

It is disputed whether the contributory negligence of a beneficiary will defeat the recovery under a death statute by the administrator for the estate. *McKay v. Syracuse Rapid Transit Ry. Co.*, 208 N. Y. 359, 101 N. E. 885. *Contra, Richmond, etc. R. Co. v. Martin's Adm'r*, 102 Va. 201, 45 S. E. 894. It is clear, however, that a negligent beneficiary cannot recover in his own right. *Indianapolis Street Ry. Co. v. Antrobus*, 33 Ind. App. 663, 71 N. E. 971; *Johnson v. Reading City Ry. Co.*, 160 Pa. St. 647, 28 Atl. 1001. Therefore, if the negligence of the dead husband can be imputed to the plaintiff in the principal case, she is properly barred. But negligence can ordinarily be imputed only with agency or, as some courts add, such an identity of interest as certain family relations create. See *Little v. Hackett*, 116 U. S. 366, 371. Now the marital relation does not create an agency to take care of the children. *Macdonald v. O'Reilly*, 45 Ore. 589, 78 Pac. 753. Again, the wife's estate has become under the modern law so distinct from that of her husband that to-day the identity of interest on which the imputation was rested no longer exists. *Louisville, etc. Co. v. Creek*, 130 Ind. 139, 29 N. E. 481. See *Phillips v. Denver City Tramway Co.*, 53 Col. 458, 468, 128 Pac. 460, 464. Hence, especially when, as in the principal case, all chance of the action being a roundabout recovery by the husband, is destroyed by his death, it seems unfortunate that his negligence should be imputed to his innocent wife.

CRIMINAL LAW — CONSPIRACY — PARTICIPATION OF DETECTIVES. — The defendants were indicted under U. S. COMP. STATS. 1913, § 10201, for conspiring to bring Chinese into the United States unlawfully. Government detectives had suggested and urged the conspiracy, promising governmental protection, in order to place the principal defendant in a position where to avoid prosecution he could be forced to disclose the suspected criminal acts of other Chinese. *Held*, that a conviction is improper. *Woo Wai v. United States*, 223 Fed. 412 (C. C. A., 9th Circ.).

An attempt to commit a crime is indictable even though it was impossible to consummate the crime because of an unknown circumstance. *Commonwealth v. Kennedy*, 170 Mass. 18, 48 N. E. 770; *People v. Gardner*, 144 N. Y. 119, 38 N. E. 1003. See CLARK, CRIMINAL LAW, 2 ed., 130; Beale, "Criminal Attempts," 16 HARV. L. REV. 491, 496. In this respect a statutory conspiracy to commit a crime seems analogous to an attempt. Thus the acts of the defendant in the principal case are clearly an indictable offence. But the trend of authority seems to be toward allowing the defendant, in a case where the crime is first suggested and planned by a government agent, to set that fact up as a bar to conviction. *Woodworth v. State*, 20 Tex. App. 375. See *United States v. Adams*, 59 Fed. 674, 676. See 18 HARV. L. REV. 65. However, it is submitted that instigation and encouragement by a detective cannot excuse a defendant who has committed an offence against the state. If it is desired to put a wholesome check on the unfortunate practices of unscrupulous detectives, it is better to forbid such practices by statute rather than to entertain a doctrine that would permit a man to commit murder with impunity provided the act were suggested and encouraged by a detective.

DIVORCE — ALIMONY — RIGHT OF PERSONAL REPRESENTATIVE OF DECEASED WIFE TO RECOVER FOR ARREARS. — In an action for arrears of alimony against the estate of her deceased husband, the widow died at the determination of the appeal in the Appellate Division. *Held*, that her executor may be substituted in her place. *Van Ness v. Ransom*, 109 N. E. 593 (N. Y.).

Alimony represents in concrete form the husband's duty to support his wife. Originally it was allowed only in cases of divorce *a mensa et thoro*, since a divorce *a vinculis* was never granted except for causes arising before the

marriage. See *Miller v. Clark*, 23 Ind. 370, 376. As the marriage relation still exists after the wife's death, even arrears of alimony are not collectible, for they then belong to her husband. *Stones v. Cooke*, 8 Sim. 321 n. Cf. *Clark v. Clark*, 6 W. & S. (Pa.) 85. However, the wife's personal representative might recover for the benefit of her creditors for necessities. *Clark v. Clark*, *supra*; *Bouslough v. Bouslough*, 68 Pa. St. 495. Again, when the amount is settled by the court and is due, the wife has no longer merely a right to alimony but something very closely resembling a judgment debt. *Gerrein's Adm'r v. Michie*, 122 Ky. 250, 91 S. W. 252; *Howard v. Howard*, 15 Mass. 196. See *Coffman v. Finney*, 65 Oh. St. 61, 61 N. E. 155. Cf. *Carr v. Risher*, 119 N. Y. 117, 23 N. E. 296. Then, however, it is treated as a personal right in that it is neither assignable, attachable, nor subject to a lien. *Fournier v. Clutton*, 146 Mich. 298, 109 N. W. 425; *Lynde v. Lynde*, 64 N. J. Eq. 736, 52 Atl. 694; *Romaine v. Chauncey*, 129 N. Y. 566, 29 N. E. 826; *West v. Washburn*, 153 N. Y. App. Div. 460, 138 N. Y. Supp. 230; *Matter of Bolles*, 78 N. Y. App. Div. 180, 79 N. Y. Supp. 530. But the principal case is in accord with the weight of American authority in holding that a decree for alimony is personal only in the sense that the wife cannot divert it to other uses than for her maintenance. *Miller v. Clark*, *supra*; *Gerrein's Adm'r v. Michie*, *supra*. See *Dinet v. Eigemann*, 80 Ill. 274, 279; *Coffman v. Finney*, *supra*. *Contra*, *Faversham v. Faversham*, 161 N. Y. App. Div. 521, 146 N. Y. Supp. 569.

EQUITY — WASTE — RIGHT OF HOLDER OF *INTERESSE TERMINI* TO PROTECTION BY INJUNCTION. — The owner of an *interesse termini* brought a bill in equity to restrain the vacating tenant from removing a garage on the leased premises. *Held*, that an injunction will be granted. *Evans v. Prince's Bay Oyster Co.*, 154 N. Y. Supp. 279.

The common-law action of waste was available only to the immediate estate of inheritance, and an action on the case in the nature of waste might be brought by the reversioner or remainderman for life or years. Note to *Greene v. Cole*, 2 Wms. Saunders 252 a; but see AMES, CASES ON EQUITY, 468 n. 1. But relief by injunction is of much wider application, equity having protected such remote interests as contingent remainders, estates of trustees to preserve contingent interests, interests of infants *en ventre sa mère*, executory devises, and future charges on realty. *Watson v. Wolff-Goldman R. Co.*, 95 Ark. 18, 128 S. W. 581; *Gordon v. Lowther*, 75 N. C. 193; *Williams v. Duke of Bolton*, 3 P. Wms. 268 n.; *Lutterel's Case*, Prec. in Ch. 50; *Robinson v. Litton*, 3 Atk. 209; *Turner v. Wright*, 2 DeG. F. & J. 234; *Dawson v. Tremaine*, 93 Mich. 320. And even the inchoate right of dower has been protected. *Brown v. Brown*, 94 S. C. 492, 78 S. E. 447. *Contra*, *Rumsey v. Sullivan*, 150 N. Y. Supp. 287. See 28 HARV. L. REV. 615. Hence the court seems fully justified in protecting such a substantial interest as that held by an incoming tenant. *Palmer v. Young*, 108 Ill. App. 525.

EVIDENCE — LEGISLATIVE RECORDS — ADMISSIBILITY OF PAROL EVIDENCE TO CONTRADICT THE RECORD. — In a petition for a *mandamus* to compel the publication of a certain bill, among the acts of the legislature, the plaintiff offered oral evidence to prove that before the governor vetoed the bill, he signed it with intent to approve it. *Held*, that the evidence is not admissible. *Arkansas State Fair Association v. Hodges*, 178 S. W. 936 (Ark.).

As parol evidence as to legislative proceedings is untrustworthy, and as it is essential that the validity and wording of statutes be absolutely certain, it is a general rule that in an action concerning a statute, parol evidence is not admissible to contradict the record. *Attorney-General v. Rice*, 64 Mich. 385, 31 N. W. 203; *Wade v. Atlantic Lumber Co.*, 51 Fla. 638, 41 So. 72; *State v. Armour Packing Co.*, 135 N. C. 62, 47 S. E. 411. See 2 WIGMORE, EVIDENCE, § 1350 (3). However, when a bill has left the legislature, as it is dealt with